

AFFIDAVIT OF NON-DEVELOPMENT

BOOK 680 PAGE 315

STATE OF WEST VIRGINIA COUNTY OF MARSHALL, to-wit:

I, William H. Deal, of Rockport, Indiana, being of lawful age and being duly sworn, state that for the past 10 years I have been very familiar with the use and occupancy of that certain tract of land described as follows, to wit:

Legal Description: Subject lands situate in the Liberty District, Marshall County, West Virginia, being 225.59 acres, more or less, Tax Map 17, Parcels 20, 21, 22, 33, 33.1, 34, 34.1, and 34.2

The Lands were subject to the following Oil and Gas Leases (the "Leases"):

1. Oil and Gas Lease dated July 27, 1893, of record in Deed Book 41 at Page 504, by and between Philip Thomas to W. J. Lewis, for the term of ten (10) years.
2. Oil and Gas Lease dated December 15, 1906, of record in Deed Book 137, at Page 422, by and between Elizabeth Thomas, T. O. Thomas, A. E. Thomas, H. H. Thomas, E. N. Thomas, and C. E. & W.P. Thomas (minors), all heirs of Philip Thomas (dec) and Clinton Oil & Gas Co., for the term of ten (10) years.
3. Oil and Gas Lease dated September 8, 1917, of record in Deed Book 150, at Page 463, by and between Elizabeth Thomas, widow, and T. E. Conaway, for the term of three (3) years.
4. Oil and Gas Lease dated February 20, 1952, of record in Deed Book 272, at Page 215, by and between Edith Thomas, single, Harry Thomas, single, Earl Thomas, widower, Wilbur P. Thomas and Betty Thomas, his wife and T.O. Thomas, and The Manufacturers Light & Heat Co., for a term of ten (10) years.
5. Ratification of Lease dated March 24, 1955, of record in Deed Book 299, at Page 469, by and between Ellis N. Thomas and Ocie V. Thomas, his wife, and The Manufacturers Light and Heat Company, for a term of ten (10) years.

That I know of my own knowledge that no oil and/or gas is currently being produced under the terms of the aforesaid Leases upon any of the above described property; that to my knowledge no royalties are currently being paid pursuant to the aforesaid Leases on the above described property; and that I know to the best of my own knowledge that the aforesaid Leases have heretofore been abandoned, surrendered and otherwise terminated.

I further state that I know to the best of my own knowledge that no production of oil and/or gas is currently being produced pursuant to the aforesaid Leases on other property covered by said Leases, if any, or other property pooled or unitized therewith, if any.

Further Affiant sayeth naught.

Executed this 2nd day of Feb, 2009 William H. Deal Affiant
William H. Deal, Affiant

ACKNOWLEDGEMENT

STATE OF Indiana }
COUNTY OF Spencer } SS:

On the 2nd day of Feb, 2009, before me personally came the above named: William H. Deal, being person(s) known to me to be the same person(s) described herein and who acknowledge having executed the foregoing instrument.

My commission expires July 14, 2014

Sharon Chene
Signature / Notary Public

Sharon Chene
Name / Notary Public (print)

County Recorder: Please return recorded document to Mason Dixon Energy, Inc., 101 Cambridge Place, Bridgeport, WV 26330

JAN PEST
MARSHALL County 11:45:26 AM
Instrument No 1268667
Date Recorded 05/13/2009
Document Type O&G
Book-Page 680-315
Recording Fee \$5.00
Additional \$6.00

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 2nd day of February 2009 was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 13th day of May 2009 at 11:45 o'clock A.M.

TESTE: Jan Pest Clerk.